

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Allied Transit Corp., Empire State Bus Corp., and Empire Charter Service, Inc.,

Plaintiffs,

-against-

Local 854 Pension Fund,

Defendant.

21-cv-10556 (CS)(PED)
ECF

STAY OF PROCEEDINGS

WHEREAS the pension transfer pursuant to 29 U.S.C. § 1415 in the above-captioned case was completed in October 2022; and

WHEREAS the next step in the litigation would be to obtain expert reports concerning the amount of the statutory reduction in the withdrawal liability assessed by Defendant Local 854 Pension Fund (“Fund”) against Plaintiffs Allied Transit Corp., Empire State Bus Corp., and Empire Charter Service, Inc (“Plaintiffs” or the “Employer”); and

WHEREAS expert reports were previously completed in early November 2022 in the related case of *Mar-Can Trans. Co. Inc. v. Local 854 Pension Fund*, No. 20-cv-8743, a case that concerns many of the same legal issues, involves the same Defendant, and is being tried before the same District and Magistrate Judges; and

WHEREAS the parties agree that the summary judgment motion that will shortly be filed in the *Mar-Can* case may resolve some or all of the legal issues in this case, such that proceeding to expert discovery in this case may cause the parties to incur duplicative

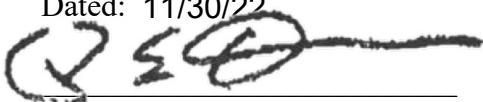
discovery costs in support of a motion that is ultimately mooted in whole or in part by the Court's prior decision in *Mar-Can*;

IT IS ORDERED that all case management deadlines in the above-captioned action are hereby stayed; and

IT IS ORDERED that within 30 days after the summary judgment motion concerning 29 U.S.C. 1415(c) is fully submitted to the Court in the *Mar-Can* action, counsel for the parties in this case shall submit a joint status letter to the Court either recommending a continued stay, or proposing a new case management order.

IT IS SO ORDERED.

Dated: 11/30/22



HON. PAUL E. DAVISON
United States Magistrate Judge